

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TiVo Inc., a Delaware corporation,
Plaintiff,

v.

1. EchoStar Communications Corporation, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company,

Defendants.

No. 2-04cv01 DF
(Judge Folsom)

**JOINT STIPULATION AND ORDER
RE TIVO'S BILL OF COSTS**

Plaintiff TiVo Inc. ("TiVo") and defendants EchoStar Communications Corporation, EchoStar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company, and EchoStar Satellite LLC ("EchoStar"), by and through their counsel of record, stipulate as follows:

1. On September 22, 2006, TiVo submitted its Amended Bill of Costs in the amount of \$333,600.03 (Docket No. 810).
2. EchoStar objected to \$116,628.23 of the costs submitted by TiVo (Docket Nos. 811 and 814).
3. The parties have agreed to the following resolution: (a) EchoStar will pay TiVo the amount of \$275,286.00, payment to be received by TiVo within thirty (30) calendar days of entry of the proposed order submitted herewith, and (b) if, as a result of a petition for certiorari, the U.S. Supreme Court makes a determination pursuant to which EchoStar is no

longer liable for infringement, then TiVo will refund this same amount to EchoStar within thirty (30) calendar days upon request, and if as a result of a petition for certiorari the U.S. Supreme Court makes a determination pursuant to which the issue of EchoStar's liability for infringement is remanded to the District Court for further proceedings, TiVo will refund this same amount to EchoStar within thirty (30) calendar days upon request, but without prejudice to TiVo's right to request its full costs if TiVo prevails in any remand proceedings.

DATED: June 25, 2008

Respectfully submitted,

By: /s/
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IT IS SO ORDERED.